A poll was taken, and the House divided as follows :—

AYES—17.

1. Mr. T. K. Velu Pillai.
2. ,, K. Dominic Tomman.
3. ,, P. K. Narayana Pillai.
4. ,, M. N. Pillai.
5. ,, N. Padmanabha Pillai.
6. ,, Joseph Panjikaran.
7. ,, G. Paramesvaran Pillai.
8. ,, K. Paramesvaran Pillai.
9. ,, N. Ramakrishna Pillai.
10. Mr. K. C. Mammen Mappillai.
11. ,, M. R. Madhava Variar.
12. ,, Tariatu Kunjitomman.
13. ,, T. Kumara Pillai.
14. ,, C. P. Kochukunju Pillai.
15. ,, A. Hoogewerf.
16. ,, A. Govinda Menon.
17. ,, T. M. Chidambaratanu Pillai.

NOES—22.

1. Mr. I. C. Chacko.
2. ,, R. Dhanukoti Pillai.
3. ,, L. C. Hodgson.
4. ,, R. Krishna Pillai.
5. Dr. N. Kunjan Pillai.
6. Dewan Bahadur Dr. P. N. Lakshmanan.
7. Mr. K. V. Natesa Aiyar.
8. ,, R. Nilakanda Pillai.
9. ,, S. Paramesvara Aiyar.
10. ,, W. H. Pitt.
11. Rao Bahadur K. V. Rangaswami Aiyangar.
12. Mr. M. Raja Raja Varma.
13. ,, S. C. H. Robinson.
14. ,, V. Subba Aiyar.
15. ,, A. J. Van Ross.
16. ,, P. Paramesvaran.
17. ,, T. Lakshmana Pillai.
18. ,, Trivikramar Vasudevar.
19. ,, S. Subrahmanya Karayalar.
20. ,, C. Ramankunju.
21. Rao Bahadur K. A. Krishna Aiyangar.
22. Mr. M. K. Khadir Pillai.

Appointment of a Committee to Examine the Abkari Policy with Special Reference to the Adoption of the Policy of Local Option.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I beg to move that—

This Council recommends to the Government that a committee be appointed to examine the Abkari policy of the Government with special reference to the introduction of the principle of local option.

Sir, the proceedings of this House, ever since the inauguration of the Council Regulation of 1095, will testify to the public impression that affairs in the Excise Department stand in need of thorough revision and detailed examination. The adverse criticisms on the excise policy of the State ventilated in this House must be fresh in the minds of the members and I do not propose to take up the time of the Council by covering the same ground over again. The need for taking definite and advanced steps towards promoting the cause of temperance has been ably argued before the House by my friends Messrs. Hoogewerf and Madhava Variar. A resolution tabled on the subject last year by Mr. Madhava Variar was withdrawn on the assurance given by the Excise

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[Mr. G. Paramesvaran Pillai.]

Commissioner, who was in charge of the resolution on behalf of the Government, that he would prepare a definite scheme in regard to this matter. But we are not aware of the formulation of any definite scheme by the Government on the subject. Before the Government take a final step in the matter, it is desirable that their proposals are examined by a few non-official representatives appointed by this House. The subject has attracted considerable attention at the hands of the Governments and public men elsewhere and there is a large volume of literature on the same. It has to be considered whether the formation of Advisory Committees will be of any avail or whether Licensing Boards also should be constituted. The constitution and powers of the Licensing Boards should be carefully examined, especially in view of the fact that similar bodies elsewhere have not been able to wield any effective control over the sale of liquors. The principle of local option has found favour with several Governments; and the Punjab Government have also lately decided to give effect thereto. In regard to the location of shops, the hours of sale and the conditions of license, considerable improvement has to be made upon the existing system. The rules now in force in these matters are not duly observed and there is no proper check or control exercised by the Excise authorities with a view to secure the strict observance thereof. Pointed attention of this House has already been drawn to the complaints that corruption is rife in certain Excise circles. Apart from the men who are involved in the matter, I am strongly of opinion that the existing system is largely responsible therefor. The system affords ample facilities for corrupt practices on the part of officers who are tempted the wrong way. I might refer, for instance, to the absence of the independent shop system in some of the northern taluks. An early introduction of the independent shop system in those areas may lead to satisfactory results. These questions can no more be delayed. For,once the new abkari contracts are given, we shall have to wait for a couple of years more to introduce any material changes in the system. Opportunity may also be taken by the committee to enquire into the entire question of administrative control in the Excise Department. The policy of the department should be so laid down that substantial retrenchment can be effected by the abolition of the high-paid supervising staff. It is of the utmost importance that Government should not lose any time in constituting a committee to examine all questions connected with the abkari policy. I am aware of the discordant note sounded last evening against the appointment of committees. But the objections then raised cannot apply to this instance. The resolution does not ask for the appointment of a large general committee whose scope is as wide as that of a Retrenchment Committee. and a committee constituted of such members as Messrs. Hoogewerf and Madhava Variar who have made a special study of the subject must necessarily inspire confidence in the minds of even Government officers. It is only such small committees appointed in regard to important departments-having only a limited scope-that can be of any use to rhe Government. I, therefore, think that there

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will be no opposition whatever in regard to the constitution of a small committee consisting of persons who may be said to be competent enough to go into such matters. I, therefore, place this resolution for the kind acceptance of the Council.

MR. M. R. MADHAVA VARIAR (*Chengannur* cum *Pattambitta*): I wish to know whether, by his resolution, Mr. Paramesvaran Pillai intends to discuss the whole abkari policy or the principle of local option alone.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): "The whole policy with special reference to the principle of local option"—that is what the Resolution says.

MR. A. HOOGEWERF (*Nominated*): Sir, I have more than once stated before this House that the Excise Department is being administered without any correct principle or consistent policy; that the department was put on a sound basis when it was first organised, and that the subsequent so-called reorganisations were each worse than the one before, the climax being reached when a large number of Petty Officers and peons, who formed the back-bone of the department were done away with and the new office of Sub-Inspector created. A series of metamorphoses had been going on, one turning the Assistant Commissioner into a Circle Officer and a division into a circle, another a Circle Officer into an Assistant Commissioner and a circle into a division; still another, a Sub-Inspector into an Inspector and *vice versa*; a range into a circle, and a Range Inspector into a Circle Inspector. The Government notification creating the Sub-Inspector said that he was intermediate between the Inspector and the Petty Officer. But Mr. Van Ross stated before this House that he had merely replaced the Petty Officer by a Sub-Inspector (see page 388 Vol. I No. 3). Eleven divisions with twelve Assistant Commissioners have been created, while there were only three divisions when the department was first organised. The Range Inspector has been installed as a sort of Circle Inspector and given the power of investigating the cases detected by Sub-Inspectors and Petty Officers. It is said that there is going to be yet another reorganisation very soon, and probably the last state may be worse than the first. The safeguards provided by the legislature for the protection of the subject have been removed and low-paid officers invested with powers to conduct house-searches. While the Excise Regulations enjoin that house-searches should be conducted under a warrant during the years 1096 and 1097, out of nearly 550 searches, not a single search appears to have been conducted under a warrant, except the 20 searches made by Petty Officers during these two years. Even the poor man's house is his castle and that officers dressed in brief authority should walk in *san ceremonié* is unpardonable. It cuts at the root of the safety of the subject; and I know as a *quondam* excise officer, what a handle it provides for persecution and malpractices. This serious flaw in Excise administration was pointed out long ago and things have gone only from bad to worse. Revenue has become a fetish, in utter disregard of the people's rights. When

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[Mr. A. Hoogewerf.]

discussing the necessity for a large staff in the Commissioner's office the Commissioner said that the work of the Abkari Section had multiplied with the extension of the independent shop system. On the same day replying to the criticisms of some of the members, Mr. Van Ross contradicted himself and said that where the independent shop system had been introduced, the work in the office had been reduced (see pages 364 and 371 of Vol. I No. 3). On a question asked by Mr. P. K. Narayana Pillai at the last session of the Council what "grave offences" mean, it was said that it meant illicit distillation and illicit possession of arrack. Section 51 of the Abkari Regulation mentions about two dozen grave offences. To the question of Mr. John Nidiry what the offences are that are not grave, the Commissioner said that it was the ordinary possession of toddy, because the possession of toddy, he said, does not seriously affect the revenue, and we get tree-tax (see page 400, Vol. III No. 5). Possession of toddy is given as a grave offence in the Regulation. To the question asked by me whether arrack is not more intoxicating than toddy, the answer was that he was not in a position to tell me if it was so. When pressed by the late Mr. K. P. Raman Pillai for an answer Mr. Van Ross said that he was sorry he had not got the information (see page 398 of the same volume). Mr. Van Ross said in the same session that he should be given credit for an increase of twenty lakhs of rupees in excise revenue since he took charge of the department. But he omitted to say that almost the whole of this revenue was derived from a large windfall in the doubling of the salt duty, the enhancement of the duty on tobacco, liquor and tree-tax, opium and ganja and other articles, and the improvement of trade conditions generally. The Abkari Regulation was framed about 29 years ago, and section 28 giving an abkari officer, whose salary is not less than Rs. 20, power to conduct house-searches still remains unaltered. The answers to the questions put by me in this Council about the powers of the Petty Officer who draws a salary of Rs. 20 and over, were neither here nor there. I was told that the Petty Officer who draws a salary of Rs. 20 or over should be first invested with the powers of the Abkari Officer, before he conducted house-searches. But the fact remains that such officers have been conducting house-searches, and they were made Abkari Officers so long ago as the 2nd March, 1909. It is reported that one of the senior officers of the department sounded a note of warning at the recent Excise Conference that malpractices and corruption are rampant and that the department is on its downward march.

Mr. G. Parameswaran Pillai has put the case for local option so well that I do not want to go over the same ground again. I may only add that the stock arguments trotted out against local option and prohibition cannot hold water. All these things may be told to the marines, but the sailors will not believe it. What is the harm in not opening a liquor shop in a place where the majority of the people do not want it? Nobody will now deny that liquor is useful to none and harmful to all. The only objection is that those who cannot get on without

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liquor will resort to the illicit dealer. There are more facilities for these in places where there is licensed tapping. When tapping is totally prohibited, it is easy to detect illicit practices as tapping cannot be done secretly. There will be no difficulty in detecting and bringing the offender to book when he manufactures toddy either for comsumption or distillation, which in itself is a difficult process to carry on clandestinely.

There is another objection, *viz.*, that the liquor-drinker may fall back upon ganja or opium; but these two drugs also should be prohibited. It is no excuse to say that people will resort to them on the sly. It is the duty of the State to prevent the people from indulging in vices at any cost. No department in the State is so closely concerned with the social and moral welfare of the people as the Excise Department. I shall conclude by repeating what I said in this House on a former occasion that a sober, prosperous and God-fearing people is a greater asset in the country's balance sheet than rupees, chackrams and cash.

MR. A. J. VAN ROSS (*Excise Commissioner*) : In the first place, I have to say that I have not been able to hear much of what Mr. Hoogewerf has been saying. In fact, unless I hear his speech once again, I do not think I would be able to reply him except as regards one point which I heard, namely, that the increase of revenue in the Excise Department is due to increase in the duties. (*Louder, please.*)

PRESIDENT: A little louder, please. You complained that Mr. Hoogewerf was not loud enough, but in fact you speak as low as Mr. Hoogewerf himself ! (*Laughter.*)

MR. A. J. VAN ROSS (*Excise Commissioner*): I have not been able to hear much of what Mr. Hoogewerf said. When he said that the increase of revenue in the Excise Department was due to the increase in the various duties, probably he thought that I had only to order an increase of the duties in order to effect an increase of revenue.

MR. A. HOOGEWERF (*Nominated*): Will Mr. Van Ross deny that the duty on arrack, tobacco and other articles has not been increased ?

MR. A. J. VAN ROSS (*Excise Commissioner*): Probably Mr. Hoogewerf thinks that in order to increase the revenue it is enough if I order an increase of the duties. In the first place before an increase of duty is ordered various questions have to be taken into consideration. Whether it is the proper time to increase the duties, and whether after increasing the duties we can get the benefit of the increase have also to be considered before an increase of duties is ordered, because, as duties are increased, the activity of the smugglers also gets redoubled. We will have to control the increased activities of the smugglers. Otherwise we will not get the benefit of the increase. Mr. Hoogewerf ought to know all this. He was himself an excise officer. In fact we have very much to do in order to get the benefit of the increase of the duties.

With regard to Mr. Paramesvaran Pillai's resolution, as promised by me in reply to Mr. Madhava Variar's resolution in one of the past

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[Mr. T. K. Velu Pillai.]

sessions of this Council, I have sent up my proposals to the Government and they traverse the whole abakari policy of the department. I am authorised to say that Government propose to appoint a mixed committee to consider my proposals. I may also say that among my proposals I have included the principle of local option. In view of what I have said, I think the mover will withdraw his resolution.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): Sir,—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): On the assurance given by Mr. Van Ross,—

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): But I am in possession of the House. (*Laughter.*)

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): Sir, I beg to withdraw the resolution.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I object to the withdrawal and I oppose the motion. (*Laughter.*)

There is one feature in the discussion which is indeed—

PRESIDENT: Will you please wait for a minute, Mr. Velu Pillai? I should like to refer to the rules as to whether, when the mover himself is prepared to withdraw the resolution, anybody else can be allowed to speak.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I do not think the mover is entitled to withdraw after another member has begun to speak opposing the resolution.

PRESIDENT: There is no resolution to oppose when the mover himself withdraws it.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): I submit that he should have withdrawn in time.

PRESIDENT: Strictly you are right; you may speak for the allotted time.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): With regard to time I wish you will extend to me the benefit of your discretion. You have been allowing all of us to extend the time but not very much.

PRESIDENT: Not in the present instance.

MR. T. K. VELU PILLAI (*Trivandrum cum Nedumangad*): In this case, the House can congratulate itself that, as soon as the resolution was moved, the Excise Commissioner came forward, and in a lucid and short speech—the major portion of which was by way of an answer to Mr. Hoogewerf—in two or three sentences, accepted the resolution with a show of generosity. The excise policy of the State has been very confused for a long time. I do not want to detail the circumstances in which discussions have been carried on in this Council suggesting

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a thorough examination of the whole question. This resolution is a dangerous one, because it is.—

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I am asking for a ruling from the Chair. I want to know whether I shall have a right of reply in case my friend is allowed to speak on the resolution and even in case I am withdrawing my resolution.

PRESIDENT: I do not think you have a right. You will have to wait till the end. Of course, you can then reply and withdraw.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): That i what I want.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): He said he had already withdrawn. (*Laughter.*) I want to make some observations in regard to the terms of the resolution. The statement of withdrawal cannot be accompanied by any reasons.

PRESIDENT: If you want to speak and if Mr. Paramesvaran Pillai wants to reply, then the discussion must continue, and he must reply and then withdraw.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I shall go on. A committee to enquire into and report on the abkari policy is particularly welcome and I have absolutely nothing to say against the appointment of a committee. It is the words "local option" that create the difficulty. It is strange that, at the psychological moment when Mr. Paramesvaran Pillai put forward this resolution, the proposal made by Mr. Van Ross should happen to be before the Government. Small concessions, as I have pointed out on more than one occasion, are dangerous. The words "local option" are complicating the matter. The words "local option" form the main idea and the enquiry is supporting the idea.

PRESIDENT: That is what Mr. Paramesvaran Pillai has mentioned in his resolution. Mr. Van Ross has made it clear by saying that his report is comprehensive and that local option is only one of his proposals.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): If the words "local option" are omitted, I shall be happy to agree with the mover and the resolution may be withdrawn. Local option has been proved to be a bad policy in various States. I have in my hand a book on Excise and Temperance in Madras written by an I. C. S. Officer, Mr. Strathie. He has proved to the hilt that this local option is going to be of no use to the country. In places where it was used they have fallen back on the old system. In Scotland, polls were demanded in 510 areas and the results were: no change 510, limitation 34, and no license 40. In Salem, after the shops were asked to go out of the city, after a time, local option was found to be impossible.

"Mr. E. R. Pease holds that in poorer quarters of towns where the poor spend far too large a share of their scanty earnings on drink and far to little on proper food and decent clothing, and where, if anywhere, the drink fiend should be fiercely attacked, local

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[Mr. G. Parameswaran Pillai.]

option would have no beneficial effect at all. It would make the slums still slummier and it would operate, if at all, in the direction of concentrating what all social experts desire to scatter – it would intensify the evils of drink where those are most acute and their social effects most disastrous. In the richer residential quarters, local option is a class measure. It enables the rich to impose restrictions on the poor. In form it may be democracy, in fact it is a tyranny. "Local option" says Mr. Pease, "can only operate in rural districts where visitations of it, if they occur, are not reported. It can do nothing positive to promote temperance".

That is the history of local option. The whole book shows that according to an experienced officer local option has been tried in many countries with no reasonable amount of success.

PRESIDENT: Is it your point that the question of local option should not be considered by the committee?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not say that it should not be considered. I understand the import of English words, and I understand the resolution is to appoint a committee in which the working of the Excise Department and the abkari policy of the State is going to be examined in the light of the words "with special reference to local option". The words "local option" create very serious difficulties and they considerably restrict the operation of the resolution. It is therefore that I thought of speaking about it. I want an enquiry. I am one of those who think that our abkari policy requires thorough overhauling. The department has not been doing its work well. There is very much talk of the inefficiency of particular officers and drink is on the increase. In the light of the fears entertained by the public, in the light of the opinion of the public on these questions, I want a thorough enquiry into the general working of the abkari policy without special reference to local option. As I pointed out, I am not against considering the question of local option. But it is a subordinate item of the question. That is my reason to oppose the resolution. If my friend, the mover, who, I am sure, wants as good an enquiry as myself, has no objection to omit these words, I shall feel extremely happy.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I do not know what I should say in reply to Mr. T. K. Velu Pillai after Mr. Van Ross has accepted the resolution itself. He began by saying that he would welcome an Excise Committee to go into the question of excise policy. All the trouble arose out of the words "local option" which I have included as one of the important matters for the consideration of the committee. I am not unaware of Mr. Strathie's book on the subject.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I never said that he was not aware.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I never said that he said that I was unaware. My point is that I am aware, and I have also said in my speech that there is a large volume of literature on the subject. Mr. Strathie's book does not conclude the case and should not be accepted without challenge. His opinions have been

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subjected to serious criticism in the Madras Legislative Council and Mr. Strathie is one of the officers under the Madras Government.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I want to rise to a point of personal explanation. I never said that Mr. Strathie has said the last word on the subject; I merely referred to his book. The mover himself admits that there is a volume of literature on the subject and this is one of the books.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I did not pass my judgment upon the merits or demerits of local option. I deliberately suspended my judgment with a view to closer examination. I am not so ready to condemn local option because Mr. Strathie has said that it has failed in other countries.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not want to interrupt my friend. But I wish to put a question to him. I want to know whether local option is the most important thing to be considered by the committee.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): It appears to me to be one of the very important things that have to be very carefully considered by the committee that I want the Government to appoint.

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): Would he be pleased to give other prominent ideas? One is local option.

MR. G. PARAMESVARAN PILLAI (*Neyyattinkara*): I have already enumerated the chief points in my first speech. And it is open to my friend to understand it or not. I must again state that the question of local option should engage among other factors the serious attention of any committee that may be appointed to consider the question of excise policy; and since the Excise Commissioner himself has assured the House that that also will be considered along with other matters relating to the abkari policy, I am perfectly satisfied and beg leave to withdraw the resolution.

MR. N. RAMAKRISHNA PILLAI (*Vaikam* cum *Ettumanur*): Sir,—

PRESIDENT: Mr. Parameswaran Pillai has withdrawn his resolution and has sat down. Does the House object to the withdrawal, in which case I have to put the motion to the vote?

MR. T. K. VELU PILLAI (*Trivandrum* cum *Nedumangad*): I do not press my objection to withdrawal because he has explained that there is no special significance in the words "local option".

PRESIDENT: Then does the House permit the withdrawal of the resolution?

The resolution was by leave withdrawn.

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[Mr. K. Parameswaran Pillai.]

The following resolution was not moved :.

MR. TARIATU KUNJITOMMAN :

This Council recommends to the Government that revenue officers be completely divested of their magisterial functions.

PRESIDENT: The next resolution which is standing against the name of Mr. Tariatu Kunjitomman has been already withdrawn. I will now call upon Mr. K. Parameswaran Pillai to move his resolution.

Throwing open of all Schools to all Classes.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*): I beg to move the following resolution :—

This Council recommends to the Government that all schools be immediately thrown open to all subjects of His Highness the Maha Raja.

I do not think that any speech from me is necessary to commend this resolution to the acceptance of the House. The policy of the throwing open of all schools to all classes of the subjects of His Highness the Maha Raja was accepted by the Government many years ago. But at the time when the policy was laid down, there was some difficulty in throwing open all schools then existing on account of proximity of certain schools to temples or other religious institutions. Therefore it was then declared—I think it was during the time of Sir P. Rajagopalachari who was then the Dewan of the State—that steps would be taken to remove these schools from the places where they are situated and to throw them all open to all classes of His Highness' subjects. Though several years have now passed away—more than fifteen years have passed away—we still find that these schools have not been thrown open to all classes of His Highness' subjects. They are still preserved as caste-schools. I do not think that the time before the Government was not sufficient to enable them to make the necessary arrangements to remove them from the proximity of temples or other religious institutions and remove the complaint that they are not open to all classes, to whatever caste or creed they may belong.

RAO BAHADUR K. A. KRISHNA AIYANGAR (*Nominated*) (*Deputy President*) : I want to know whether his resolution relates to all Government schools.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*) : Yes.

MR. M. N. PILLAI (*Trivandrum*) : I want to know whether he includes special schools also. There are certain schools opened for Nambudiris and Malayala Brahmins.

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*) : All Government schools.

PRESIDENT : Including special schools ?

MR. K. PARAMESVARAN PILLAI (*Tiruvalla*) : The special schools intended for the special benefit of Nambudiris and some other

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